

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building – Selectmen’s Meeting Room
100 Maple Avenue
Monday, March 22, 2004 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux and Daniel Morgado, Town Manager. Mr. Fiore, Chairman, called the meeting to order at 7:05 pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0475 in the amount of \$283,273.03 and #0476 in the amount of \$2,069,123.71. Motion was made, seconded and unanimously voted to approve.
2. Approve Minutes of March 4, 2004 and March 8, 2004. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Lebeaux noted the recent passing of Ethel Sohlberg, long time member of the School Dept. and principal of Paton School. He reminded everyone that the SHS Alumni Assoc. Auction Dinner will take place on April 10th at the high school and encouraged residents to attend. Mr. Lebeaux said that the Light Dept. recently started a service on the web site where residents can indicate their preference in receiving notices from town departments.
4. Town Manager’s Report - Nothing other than what is on the Agenda.

Meetings:

5. 7:00pm – Light Commission. Tom Josie and Commission Chairman Clifford Jefferson were present along with the other members of the Commission. Mr. Josie introduced new Light Commission member Trish Lyons-Gallo and new Manager of Engineering, Ralph Iaccarino, replacing Fran Paika. Mr. Josie updated the Board on operations of the light and cable company over the past year. He added that they hope to implement payment by credit card sometime this May. Other future plans are to have more high definition channels, video on demand for public access channels and to increase internet speed. The Board complimented Mr. Josie on the quality of service offered by the Light and Cable Dept. and thanked him and the Light Commission for coming in and presenting this update
6. 7:15pm – Community Development Plan, Judi Barrett. Ms. Barrett suggested that the Board could submit this report to DHCD which would help the Town in meeting 40B requirements and give the Town a 24 month window to deny other 40B projects if so desired. If the Town chooses to accept the report and not submit it to DHCD they would only have 12 month window. Ms. Barrett reviewed the plan and asked the Board if they had any questions. As there were none, motion was made to adopt the Community Development Plan and to submit the Plan to the Dept. of Housing & Community Development for approval. Motion was seconded and unanimously approved.

Mr. Fiore suggested that the Board take advantage of Ms. Barrett’s presence and ask her to review the Lakeway Overlay District article that appears on the Annual Town Meeting Warrant. Ms. Barrett explained that the proposed by-law creates a zoning district that hovers over the existing zoning district. It does not change anything in the district in place at present but gives property owners options for use of their property, i.e. a mix of retail, residential, and commercial units. Ms. Barrett will attend Town Meeting and be available to answer questions. The Board thanked Ms. Barrett for coming in to review the plans.

7. 7:30pm – Chief Wayne Sampson, Proposed Warrant Articles. Chief Sampson explained that the purpose of these articles was to update the present by-laws regarding Possession of Weapons by Minors in Public, Motorized Scooters, Hawkers & Peddlers, Solicitor/Canvasser and Newspaper Dispensing Devices. He explained the changes in language and additions to those by-laws that the Police Dept. felt was needed. Mr. Fiore thanked the Chief for coming in and explaining these changes to the Board.

Hearings:

8. 8:00pm – Sabrosa Foods, Inc. d/b/a Hebert Candies, 575 Hartford Turnpike, Common Victualler's License. Hours of Operation Sunday-Saturday 9:00am-10:00pm. As no one was present representing Sabrosa Foods, motion was made to continue until April 5, 2004 at 8:00pm. Motion seconded and unanimously voted.

Old Business:

9. Review draft letter to Lt. Gov. Kerry Healey re School Building Assistance (SBA) program reforms. In response to concerns raised by Mr. DePalo, Mr. Fiore asked him to further review the draft and present it to the Board at the next meeting on April 5th.
10. ZBA appointments. Mr. DePalo suggested that changes in the make up of this board should be studied. Mr. Fiore and Mr. Hammond will meet with ZBA representatives to discuss the ZBA board make up. Mr. Fiore asked other Board members to submit any questions to them that they may have prior to this meeting. Motion was made to reappoint Paul George and Anthony Salerno as members of the ZBA for terms of two years expiring on March 31, 2006. Motion was seconded and voted with four in favor and one abstention. Motion was made to reappoint Alfred Confalone, David L'Ecuyer and Robert Mahowald as associate members of the ZBA for terms of one year expiring on March 31, 2005. Motion was seconded and unanimously voted.
11. Budget update by Town Manager. Mr. Morgado advised that at present there is a deficit of \$1.2 million in the budget provided the state legislature does not cut the Governor's proposed figures. Should this happen, the deficit will be even larger. The municipal side has cut everything possible out of their side of the budget. Any further reductions would result in lay off of employees. Increases in health insurance are largely responsible. A meeting is planned with the Insurance Advisory Committee regarding the insurance problem.
12. Act on Proposition 2 ½ Ballot Question. Mr. Fiore advised that a letter had been received last Friday from the School Committee citing the reasons why they cannot make further cuts to their budget and asking the Board to place a question on the 2004 election ballot asking for an operational override of \$1.2 million. We have the Governor's budget figure but are still waiting for figures to come out of the Ways & Means Committee of the legislature. Mr. Fiore opened the question to discussion by members of the Board. Mr. Card said he had spoken to his constituents regarding this issue and has been asked to vote no on an override question and he must go along with them. Mr. DePalo, Mr. Hammond and Mr. Lebeaux all agreed with Mr. Card and suggested that perhaps the School Dept. could look into other ways of balancing their budget but they felt the override question should be put to the voters. Mr. Fiore added that he concurred as well. After further discussion in which it was suggested that should an override question be defeated the School Dept. should absorb the additional cuts that must be made in order to balance the budget Motion was made that pursuant to General Laws Chapter 59, Section 21C(g) the following question be placed onto the ballot of the May 3, 2004 Annual Town Election as follows: "Shall the Town of Shrewsbury be allowed to assess an additional \$1,200,000 in real estate and personal property taxes for the purposes of funding the School Department for the fiscal year beginning July 1, 2004? Yes ___ No ___" Motion was seconded and voted with Mr. DePalo, Mr. Hammond, Mr. Lebeaux and Mr. Fiore in favor and Mr. Card opposed. The question will go on the ballot for the Town election on May 3, 2004.
13. Discuss and sign Annual Town Meeting Warrant. Mr. Morgado reviewed the warrant articles. He noted that there would be some changes to the language in Articles 14 & 15 to be supplied by Judi Barrett. Mr. Fiore asked the Board how they wished to handle Article 25. Did they wish to leave to Article as it stands or did they wish to see it reflect the Board's intentions? Motion was made to authorize the Manager, when creating the motion, to show the Board's intent to sell the property at market value to the highest bidder. Motion was seconded and voted four in favor and one opposed. Motion was made to sign the Annual Town Meeting Warrant with corrections as noted to be made by Judi Barrett. Motion was seconded and unanimously voted.

New Business:

14. Sign Treasurer/Collector Bond. Motion was made to sign bond and approve amount therein. Motion seconded and unanimously approved.
15. Approve renewal of Garage licenses to expire 4/30/04. Motion was made to approve renewal of Garage licenses subject to receipt of appropriate fee. Motion was seconded and voted four in favor with Mr. Fiore abstaining to avoid appearance of conflict of interest as holder of Garage license.
16. Approve renewal of Junk Dealer's licenses to expire 5/1/04. Motion was made to approve renewal of Junk Dealer's licenses subject to receipt of appropriate fee. Motion was seconded and unanimously approved.

17. Approve renewal of Card Reading license to expire 5/1/04. Motion was made to approve renewal of Card Reading license subject to receipt of appropriate fee. Motion was seconded and unanimously approved.
18. Struck Catering, 130 Hamilton Street, One Day All Alcohol License for Shrewsbury Media Connection Annual Dinner, Hoagland-Pincus Conference Center, 222 Maple Avenue, Saturday, March 27, 2004 from 6:30pm to 11:00pm. Motion was made, seconded and voted to approve One Day All Alcohol License as stated in application. Motion was seconded and voted four in favor with one abstention.

Executive Session:

19. Collective bargaining, pending litigation and value of real property. Motion was made, seconded, and unanimously voted to adjourn into executive session at 10:17pm and not to reconvene for the purpose of discussion of collective bargaining, pending litigation and value of real property. The Board was polled, Mr. Hammond, yes, Mr. Card, yes, Mr. Lebeaux, yes, Mr. DePalo, yes, and Mr. Fiore, yes.

Communications:

20. Noted copy mailed: Conservation Commission Minutes, 1/20/04.
21. Noted copy mailed: Conservation Commission Minutes, 1/21/03, 2/18/03, 3/18/03, 4/15/03, 5/13/03, 6/17/03, 6/24/03, 7/15/03, 8/19/03, 9/16/03, 10/21/03 & 11/18/03.
22. Noted copy mailed: S.T.A.R. Meeting Notes, 1/22/04 & 2/12/04 and Agenda, 3/25/04.
23. Noted copy mailed: Mass. Dept. of Revenue Bulletin 2004-06B, Costs for Special Education-FY04 and later.
24. Noted copy mailed: Mass. Dept. of Revenue, City & Town, Vol. 17, No. 3 – March 2004.
25. Noted copy mailed: Letter from Town Moderator Kevin Byrne inviting Mr. Lutz, Mr. Keough & Mr. Dean, as longest serving Town Meeting Members to share the podium with him at the opening session of the 2004 Annual Town Meeting.
26. Noted copy mailed: Notification from Mass. Dept. of Revenue re bond anticipation notes issued in FY03 & FY04.
27. Noted copy mailed: Meeting Notification, Highland Hill Estates
28. Noted copy mailed: Memo from Mr. Morgado re Hawkers & Peddlers
29. Noted copy mailed: E-mails from Karen & Jeff Jervah, Kerri Reid, Nancy Olson- In Favor of Prop 2 ½ Override
30. Noted copy mailed: Letter from Alfred Confalone expressing interest in reappointment as Associate Member of ZBA
31. Noted copy mailed: Letter from Anthony Salerno expressing interest in reappointment to ZBA
32. Noted copy mailed: ARC Meeting Agenda, 3/26/04
33. Noted copy mailed: E-mail from Bob Cox re Check from Ray Stone Legion Post. Members of Post will be invited to a meeting for thank you from Board.
34. Noted copy mailed: Letter from David L'Ecuyer expressing interest in reappointment as Associate Member of ZBA
35. Noted copy mailed; School Committee Agenda, 3/17/04
36. Noted copy mailed: Memo from Mass. Dept. of Revenue re Public Hearing & Written Comments on Property Tax Classification
37. Noted copy mailed: Mass. Dept. of Revenue Bulletin, 2004-07B re Surplus State PC's for Internet Access
38. Noted copy mailed: COA Meeting Minutes, 2/11/04
39. Noted copy mailed: Letter from Williams Yeomans, 51 Grafton Street, expressing interest in appointment to ZBA
40. Noted copy mailed: Letter from Spirit of Shrewsbury re Event Date Change. Changed from last weekend in September to first weekend in October for 2004 only. Will return to last weekend in September next year.
41. Noted copy mailed: Draft TMDL Report for Total Phosphorus in Assabet River from Mass.DEP. (report on file in BOS office)
42. Noted copy mailed: Letter from Mr. Morgado to Mass Highway re Harrington Avenue/Old Mill Road
43. Noted copy mailed: Municipal Benchmarking Newsletter, March 2002
44. Noted copy mailed: Notice, Lakeway Overlay District Review Meeting
45. Noted copy mailed: Letter from Ron Wagner, Wagner BMW & BMW Motorcycles of Shrewsbury, re transfer of motorcycle license. If approved by Planning Board & ZBA requires no action by Board as no change in address. Will continue to monitor until cleared by aforementioned Boards.

46. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 2/11/04
47. Noted copy mailed: CMRPC 2004 Traffic Count Permission Form. Send to Engineering and review at next meeting as Old Business. Mr. DePalo has special interest in the intersection of Route 9 and South Street.
48. Noted copy mailed: ZBA Hearing Minutes, 2/10/04, Golden's Pizza & Steakhouse, Inc
49. Noted copy mailed: ZBA Hearing Minutes, 2/10/04, Wendy & Philip Mulcahy, 76-78 Old Faith Road
50. Noted copy mailed: E-mails from Robert Koenig, William Yeomans (2), Paul Weaver, - Against Proposition 2 ½ Override.
51. Noted copy mailed: USFilter Monthly Compliance Report, February 2004
52. Noted copy mailed: Invitation to Suburban Coalition Annual Legislative Breakfast, 4/13/04
53. Noted copy mailed: Notice of Project Change-Assabet River Consortium/SSR Apartment Value Fund II Ashford Crossing. (complete report on file in BOS office
54. Noted copy mailed: Message from Michael Lapomardo expressing interest in reappointment to the Cultural Council. Motion was made, seconded and unanimously voted to reappoint Mr. Lapomardo for a term of 3 years expiring on February 10, 2007.
55. Noted copy mailed: School Committee Meeting Minutes, 2/11/04, 2/25/04
56. Noted copy mailed: Letter from George Fotiadis, 38 Spring Street, re Water Use Restrictions. This matter has been discussed and resolved previously. Board will do nothing at this time. Mr. Fiore will respond.
57. Noted copy mailed: Annual Membership Renewal to Corridor Nine Area Chamber of Commerce. Motion was made to approve FY04 membership dues. Motion seconded and voted four in favor and Mr. DePalo abstaining.
58. Noted copy mailed: Planning Board Agenda - *Draft*, 4/1/04

Motion was made, seconded, and unanimously voted to adjourn into executive session at 10:17pm not to reconvene for the purpose of discussing collective bargaining, pending litigation and value of real property.

Respectfully submitted,

Janice C. McCoy
Secretary